

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Representation of Sri K. Chandra Sekhar Reddy, S.I., of Police, (Civil) for promotion – Orders – Issued.

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HOME (SER-II) DEPARTMENT

G.O.Rt.No. 1000

Dated:2-6-2012

Read the following:

1. From Sri K. Chandra Shekhar Reddy, S.I., of Police, Hyderabad City petition dated: 9-3-2011 along with the interim orders of Hon'ble APAT dated: 14-12-2010 in OA.No. 8838/2010
2. Govt.Memo.No.7830/Ser-II/A3/2011, dated: 25.3.2011.
3. From the DGP, AP, Hyderabad, Lr.Rc.No.193/ E1/ 2011, dated: 2.6.2011.
4. Govt.Memo.No.7830/Ser-II/A3/2011, dated: 7-7-2011.
5. From the DGP, AP, Hyderabad, Lr.Rc.No.193/ E1/ 2011, dated: 6.8.2011.
6. Govt.Memo.No.7830/Ser-II/A3/2011, dated: 13-9-2011.
7. From the DGP, AP, Hyderabad, Lr.Rc.No.193/ E1/ 2011, dated: 22-10-2011.
8. From the Hon'ble APAT, orders dated: 14-12-2010 in OA.No. 8838/2010 with CA.No. 1118/2011 & VMA.No. 1410/2011

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**ORDER:**

In the reference 1<sup>st</sup> read above, Sri K. Chandra Sekhar Reddy, S.I., of Police, Hyderabad City, has submitted a representation to Government for promotion to the rank of Inspector of Police.

2. In the reference 2<sup>nd</sup> read above, the Director General of Police, AP, Hyderabad, has informed that Sri K. Chandra Sekhar Reddy, S.I., of Police, (Civil) was appointed on 11.11.1996. The said S.I.(Civil), while working in Immigration at Rajiv Gandhi International Airport, Shamshabad on attachment basis, was placed under suspension for exhibiting misconduct for fraudulently facilitating the Sri Lankan Nationals in obtaining Indian Passport in various names and addresses to go to European Countries by developing nexus with unscrupulous agents for monetary benefits on 8.9.2009 with the help of a Carrier A-1 Silvester Sameul of Chennai and involved in Criminal Case in Cr.No.418/2009 U/s 419, 420, 468, 417 IPC and Sec. 12 (a), (b), (d) (e) of Indian Passport Act, 1967 and Sec. 14 of Foreigners Act of P.S. RGI Airport, Shamshabad. Later he was released from suspension on 29.11.2010. A Criminal Case was also registered against the above said S.I., of Police, which is under investigation.

3. He has also informed that the name of Sri K. Chandra Sekhar Reddy, S.I., of Police (Civil) was considered by the Review Committee which met on 29.12.2010 and did not recommend to include his name in the panel of SIs (Civil) fit to act as Inspectors of Police (Civil) for the year 2010-11, due to Criminal case pending against him.

4. In the memo 4<sup>th</sup> read above, the Director General of Police, Andhra Pradesh, Hyderabad, was requested to inform whether the DPC has considered the provisions of G.O.Ms.No. 66 G.A (Ser.C) Dept, dated; 30.1.1991 and para 4 of Government Circle Memo.No. 15813/Ser.C/2007, dated: 11.09.2007.

5. In the letter 5<sup>th</sup> read above, Director General of Police, Andhra Pradesh, Hyderabad, has stated that Sri K.Chandra Sekhar Reddy, SI of Police, CSW, Hyderabad City is Accused-9 in Cr.No. 418/2009 PS RGI Airport, Shamshabad. The case is UI for the arrest of A-10 and A-11. Further, they had also informed that the I.O addressed a letter to the Government to accord prosecution permission on the Accused Government servants including A-9 Sri K.Chandra Sekhar Reddy, SI (Civil) in Cr.No. 418/2009 for filing charge sheet in the Court and

[PTO]

the orders are awaited. With regard to the stage of departmental proceedings against Sri K.Chandra Sekhar Reddy, SI of Police (Civil), the C.P., Hyderabad City has informed that, there are two other co-delinquents by name Sri K.Shankar Inspector of Police, Hyderabad City and Sri B.Bansi Lal, PC 631 of Nizamabad district who were also involved in the same delinquency. Further, the C.P., Hyderabad City has informed that an Article of Charge for departmental action against three charged officers including Sri K.Chandra Sekhar Reddy, SI of Police (Civil) has been issued.

6. He has further reported that though no charge sheet was filed in the Court and no article of charge was issued against Sri K.Chandra Sekhar Reddy, SI of Police (Civil), the Government were addressed to accord prosecution permission for filing charge sheet in the Court. As such, it is clear that a criminal case is made out against Sri K.Chandra Sekhar Reddy, SI of Police (Civil). Now, the applicant is requesting for promotion on the technical grounds that no charge sheet has been filed against him in a criminal court and no charges were framed and served on him in the OE. In the instant issue, the Review Committee met on 29.12.2010 and not recommended the case of said SI of Police (Civil), after taking into account the recommendations of the DIG, Hyderabad Range and remarks of C.P., Hyderabad City, as the said SI was involved in a Criminal Case.

7. The Director General of Police, Andhra Pradesh, Hyderabad, has further stated that as per APPM order No. 74-2 "The officer should not be facing any departmental enquiry or grave charges or involved in any investigation / enquiry or trial into a criminal case against him or a regular enquiry or investigation by the ACB or Tribunal for Disciplinary proceedings" Further, as per para-5 (c) of G.O.Ms.No. 257, G.A (Ser.C) Dept, dated: 10.6.1999 "the suitability of the officers for inclusion in the panel should be considered on an overall assessment based on the record which should include namely:

(i) Adverse remarks recorded in the Annual Confidential Reports, the penalties awarded and the bad reputation of the officer as vouchsafed by the Head of the Department and the Secretary to Department concerned."

8. The DGP has stated that the applicant is having adverse remarks in his ACR for the period from 01.04.2009 to 05.10.2009. As per para – 6 of G.O.Ms.No. 257 G.A (Ser.C) Dept dated: 10.6.1999 "The appointing authority should consider and decide that it would not be against public interest to allow adhoc promotion to the officer concerned and this shall be decided with reference to the charge under enquiry. If the charge is one of moral turpitude, misappropriation, embezzlement and grave dereliction of duty then the appointing authority should consider as not in the public interest to consider adhoc promotion to such charged officer". Hence, the Review Committee did not recommend his name for inclusion in the panel for SIs (Civil) fit to act as Inspectors (Civil) for the panel year 2010-11.

9. In the reference 7<sup>th</sup> read above, the DGP has stated that the adverse remarks in the ACR for the period from 1-4-2009 to 5-10-2009 in respect of Sri A. Chandra Sekhar Reddy SI of Police were communicated to him on 22-9-2011

10. The Government after careful examination of the matter, have observed that neither any article of charges under AP Civil services (CCA) Rules, was framed nor the charge sheet was filed in the court in Cr.No. 418/2009 against the applicant as on the date of DPC i.e on 29-12-2010. The adverse remarks for 2009-2010 communicated on 22-9-2011 and the charge memo issued on 29-8-2011 were much later to the DPC date. Further it is understood that no charge sheet has been filed as of date. As such, he is as clean as any other SI considered for promotion as on the date of DPC at least on adhoc basis as per the prevailing Government orders. The observations of the Hon'ble APAT and nature of crime are no bar to consider his case on merits.

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11. Therefore, Government hereby order to include the applicant in the C list of SIs at appropriate place as per seniority for promotion.

12. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To,  
The Director General of Police, Andhra Pradesh, Hyderabad,  
The individual through DGP, AP, Hyderabad  
Sc/Sf

//Forwarded :: By order//

SECTION OFFICER